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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,804	12/21/2001	Paris E. Blair	32237US2	5361

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EXAMINER

DOUGHERTY, JENNIFER R

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,804

Applicant(s)

BLAIR ET AL.

Examiner

Jennifer R. Dougherty

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 14, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moake (US 5,469,736) in view of Kruger et al. (US 5,679,894).

The apparatus of Moake includes all the limitations of claims 9, 14, 18, and 20 (a receiving pocket (54), a mount (56), a through bore and interior and exterior surfaces (figure 2), and a sonde in a exterior pocket (48)) with the exception of teaching the use of the sensor device in the housing of a mud motor. Kruger et al. teaches placing a sensor within the boundaries of the mud motor (126b/128). Kruger et al. teaches that placing a sensor in this position allows the operator to discern information about the functionality of the motor operation (columns 8 and 9). Thus at the time of the invention it would have been obvious to place the sensor assembly of Moake into the housing of a mud motor, in order to give the bit operator information about the mud motor, as taught by Kruger et al.

With respect to the dependant claims Moake also teaches: a shock resistant holder (56)-claim 21.

3. Claims 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (US 6,050,350) in view of Kruger et al. (US 5,679,894).

The apparatus of Morris et al. includes all the limitations of claims 9, 14, 17, 18, and 20 (a receiving pocket (column 4, line 51), a mount (figure 2), a collar w/ shock resistant holder (4), a cover plate (12), a through bore and interior and exterior surfaces (figure 2), and a sonde in an exterior pocket (5)) with the exception of teaching the use of the sensor device in the housing of a mud motor. Kruger et al. teaches placing a sensor within the boundaries of the mud motor (126b/128). Kruger et al. teaches that placing a sensor in this position allows the operator to discern information about the functionality of the motor operation (columns 8 and 9). Thus at the time of the invention it would have been obvious to place the sensor assembly of Morris et al. into the housing of a mud motor, in order to give the bit operator information about the mud motor, as taught by Kruger et al.

With respect to the dependant claims Morris et al. also teaches: a shock resistant holder (4) and cover (12)-claims 10, 19, 21, and 22; sonde (5)-claim 11; slot (21)-claims 12 and 13; an elastomeric holder (21), a lip (figure 2), and a cover (12)-claim 15; and a sonde (5)-claim 16.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 9-22 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dougherty whose telephone number is (703) 308-6365. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell, can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
jrd

June 11, 2003

  
DAVID BAGNELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600